PROCLAMATION

BY THE

Governor of the State of Texas

41-2028

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 16, 1985

Pursuant to Article IV, Section 14 of the Constitution of Texas, I hereby veto House Bill 2439 because of the following objection:
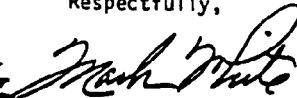
A utility district in Texas can be created in two ways: 1) by the Texas Water Commission through the hearing process; and 2) by the Legislature during its biennial session through the regular legislative process. Both the Commission and the Legislative processes are designed to insure a standard and equitable procedure which applies to all applicants with no special advantage given to any applicant. These processes are a prerequisite to insure a sound legal and financial policy for all parties concerned, including the State.

H.B. 2439 grants special and unusual powers to the Denton County Fresh Water District No. 1 and separates this applicant from all others. It authorizes the District to divide into two or more districts prior to the issuing of bond indebtedness and the levying of ad valorem taxes. In this respect, H.B. 2439 is a special privilege bill not available to other utility districts. It would allow the Denton County Fresh Water District No. 1 to become a legislature and commission unto itself and would circumvent the statutory authority granted to those entities.

In creating utility districts, a fair and standard public policy must be applied to all applicants. If the Denton County Fresh Water District No. 1 is good public policy, then it should be made available to all utility districts. If it is bad public policy, then it should not be applied to any districts. The absence of this policy in creating other districts in the State supports the historical reasoning that the Commission and the Legislature has forbidden special advantages to a few districts.

Therefore, I veto H.B. 2439.

Respectfully,

Mark White
Governor of Texas

Myra A. McDaniel
Secretary of State